

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

VINCE and JAMI ALLEN,

Plaintiffs,

v.

MASON COUNTY WASHINGTON, D/B/A  
MASON COUNTY SHERIFF'S OFFICE  
and Casey Salisbury, in his current capacity  
as Sheriff of Mason County, Washington and  
in his capacity as supervisor of the MASON  
COUNTY JAIL; City of Shelton, A  
Municipal Entity doing business as the City of  
Shelton Police Department and Chief  
Davenport, in his capacity as Chief of Police  
of the City of Shelton; and Officer  
Christopher Kostad, individually and in his  
marital community and in his capacity as an  
Officer of the City of Shelton Police  
Department,

Defendant.

Case No. C09-5752 RBL

ORDER GRANTING PLAINTIFF'S  
MOTION TO AMEND COMPLAINT

THIS MATTER comes before the Court on Defendant City of Shelton Police Department's FRCP 12(b)(6) Motion to Dismiss [Dkt. #5] and Plaintiffs' Motion to Amend Complaint [Dkt. #6]. Defendant City of Shelton Police Department seeks to dismiss all claims against it because while a city is subject to suit, a department within a city is not. [Dkt. #5]. In response, Plaintiffs ask the Court for leave to amend the Complaint under Fed. R. Civ. P. 15(a) to name the City of Shelton as a party. [Dkt. #6, Motion to Amend Complaint, at 2]. Plaintiffs also seek to name Mason County, Washington, as a party, presumably

1 for similar reasons. *Id.*

2 Plaintiffs represent that Defendant City of Shelton Police Department does not oppose the  
3 Plaintiffs' Motion to Amend [Dkt. #6]. *Id.* Indeed, none of the defendants filed a response in opposition.  
4 CR 7(b)(2), Local Rules W.D. Wash.

5 Accordingly, the Plaintiffs' Motion to Amend Complaint is GRANTED. Defendant City of  
6 Shelton Police Department's motion to dismiss is DENIED as moot. The Court need not address relation  
7 back of the amendment under Fed. R. Civ. P. 15(c) at this time.

8 DATED this 14th day of January, 2009.

9   
10 RONALD B. LEIGHTON  
11 UNITED STATES DISTRICT JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28